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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1936

No. 355

HARTFORD STEAM BOILER INSPECTION & INSURANCE COMPANY AND W. M. FRANCIS,
Appellants,

vs.

WILLIAM B. HARRISON, INSURANCE COMMISSIONER.

APPEAL FROM THE SUPREME COURT OF THE STATE OF GEORGIA.

RESPONSE TO APPELLANTS' STATEMENT OF JURISDICTION.

M. J. YEOMANS,
Attorney General of Georgia;
B. D. MURPHY,
Assistant Attorney General of Georgia,
Counsel for Appellee.

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Now comes the appellee and pursuant to subdivision 3 of Rule 12 of the Revised Rules of the Supreme Court of the United States, files this response to appellants' statement disclosing basis of jurisdiction of the Supreme Court of the United States and says:

Appellants' statement of the basis of jurisdiction correctly recites the stipulation of counsel filed with the Su-

preme Court of the State of Georgia that the sole question involved in the litigation is the constitutionality of the statute described in the pleadings. Appellee considers the judgment of the Supreme Court of Georgia, based upon an opinion holding the statute valid as against the constitutional objections offered, a final determination of the cause, and that a judgment of the trial court, making the judgment of the Supreme Court of Georgia the judgment of that court, would automatically deny the mandamus absolute sought by the plaintiff in the trial court.

Appellee states that the question involved in this case is one of public importance in the State of Georgia and should be finally determined without unnecessary delay. In the event it should be held that the judgment of the Supreme Court of Georgia is not a final judgment, the cause would be remanded to the superior court of Fulton county, Georgia, where the only judgment which could be entered in accordance with the decision of the Supreme Court of Georgia fixing the law of the case would be a judgment denying a mandamus absolute. Such a procedure would necessitate another judgment in the trial court, denying the mandamus absolute, and another appeal to the Supreme Court of Georgia which could only result in the same conclusion already stated by the Supreme Court of Georgia.

Respectfully submitted,

M. J. YEOMANS,
Attorney General of Georgia;
B. D. MURPHY,
Assistant Attorney General of Georgia,
Attorneys for Appellee.

I hereby certify that I have this day served the foregoing response to appellants' statement of jurisdiction by mailing copy thereof to Mr. Marion Smith, attorney for appellants.

Aug. 6, 1936.

B. D. MURPHY,
Assistant Attorney General,
Of Counsel for Appellee.

Filed in office Aug. 6, 1936. K. C. Bleckley, C. S. C. Ga.

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